

**BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation
Against:

Alton Takabayashi, M.D.

Physician's and Surgeon's
Certificate No. G 32122

Respondent

File No. 05-2002-135828

DECISION

The attached **Stipulaed Settlement and Disciplinary Order** is hereby adopted as the Decision and Order of the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on June 27, 2005.

IT IS SO ORDERED May 27, 2005.

MEDICAL BOARD OF CALIFORNIA

By: 

Ronald L. Moy, M.D.

Chair

Panel B

Division of Medical Quality

1 BILL LOCKYER, Attorney General
of the State of California
2 ALEKSANDRA C. SACHOWICZ, State Bar No. 169597
Deputy Attorney General
3 California Department of Justice
300 South Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-7336
5 Facsimile: (213) 897-9395

6 Attorneys for Complainant

7
8 **BEFORE THE**
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA
10

11 In the Matter of the Accusation Against:

12 ALTON M. TAKABAYASHI, M.D.
4742 Bindewald Road
13 Torrance, CA 90505

14 Physician's and Surgeon's Certificate No.: G
15 32122

16 Respondent.

Case No. 05-2002-135828

O.A.H. Case No.: L2004080346

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
19 above-entitled proceedings that the following matters are true:

20 PARTIES

21 1. David T. Thornton (Complainant) is the Executive Director of the Medical
22 Board of California. He brought this action solely in his official capacity and is represented in
23 this matter by Bill Lockyer, Attorney General of the State of California, by Aleksandra C.
24 Sachowicz, Deputy Attorney General.

25 2. Respondent Alton M. Takabayashi, M.D. (Respondent) is represented in
26 this proceeding by attorney John D. Harwell, whose address is 225 27th Street, Manhattan Beach,
27 California, 90266.

28 3. On or about July 1, 1976, the Medical Board of California issued

1 Physician's and Surgeon's Certificate number G 32122 to Respondent. The Certificate was in full
2 force and effect at all times relevant to the charges in the Accusation under case number
3 05-2002-135828 and will expire on June 30, 2005, unless renewed.

4 JURISDICTION

5 4. The Accusation under case number 05-2002-135828 was filed before the
6 Division of Medical Quality (Division) of the Medical Board of California, Department of
7 Consumer Affairs, and is currently pending against Respondent. The Accusation and other
8 statutorily required documents were properly served on Respondent on June 22, 2004.
9 Respondent timely filed his Notice of Defense contesting the charges in the Accusation. A copy
10 of Accusation is attached as exhibit "A" and incorporated herein by reference.

11 ADVISEMENT AND WAIVERS

12 5. Respondent has carefully read, fully discussed with counsel, and
13 represents that he understands the charges and allegations in the Accusation. Respondent has
14 also carefully read, fully discussed with counsel, and represents that he understands the effects of
15 this Stipulated Settlement and Disciplinary Order.

16 6. Respondent is fully aware of his legal rights in this matter, including the
17 right to a hearing on the charges/allegations in the Accusation; the right to be represented by
18 counsel at his own expense; the right to confront and cross-examine the witnesses against him;
19 the right to present evidence and to testify on his own behalf; the right to the issuance of
20 subpoenas to compel the attendance of witnesses and the production of documents; the right to
21 reconsideration and court review of an adverse decision; and all other rights accorded by the
22 California Administrative Procedure Act and other applicable laws.

23 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
24 each and every right set forth above.

25 CULPABILITY

26 8. For the purpose of resolving the Accusation without the expense and
27 uncertainty of further proceedings, Respondent admits the truth of each and every charge and
28 allegation in the Second Cause for Discipline as set forth in the Accusation in the instant case,

1 number 05-2002-135828. The admissions made by Respondent herein are only for the purposes
2 of this proceeding, or any other proceedings in which the Division of Medical Quality, Medical
3 Board of California, or other professional licensing agency is involved, and shall not be
4 admissible in any other criminal or civil proceeding.

5 9. Respondent agrees that his Physician's and Surgeon's Certificate is subject
6 to discipline and he agrees to be bound by the Division's imposition of discipline as set forth in
7 the Disciplinary Order.

8 CONTINGENCY

9 10. This stipulation is entered into subject to approval by the Division.
10 Respondent understands and agrees that counsel for Complainant and the staff of the Medical
11 Board of California may communicate directly with the Division regarding this stipulated
12 settlement, without notice to, or participation of Respondent and/or his counsel. By signing the
13 stipulation, Respondent understands and agrees that he may not withdraw his agreement/seek to
14 rescind the stipulation prior to the time the Division considers it and acts upon it. If the Division
15 fails to adopt this stipulation as its Decision and Order, it shall be of no force or effect, except for
16 this paragraph, and shall be inadmissible in any legal action between the parties, and the Division
17 shall not be disqualified from further action by having considered it.

18 11. The parties understand and agree that facsimile copies of this Stipulated
19 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
20 force and effect as the originals.

21 12. In consideration of the foregoing admissions and stipulations, the parties
22 agree that the Division may, issue and enter the following Disciplinary Order:

23 DISCIPLINARY ORDER

24 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate number G
25 32122 issued to Respondent, Alton M. Takabayashi, M.D., is revoked. However, the revocation
26 is stayed and Respondent is placed on probation for three (3) years on the following terms and
27 conditions:

28 1. CLINICAL TRAINING PROGRAM Within 60 calendar days of the

1 effective date of the Decision, Respondent shall enroll in a clinical training or educational
2 program equivalent to the Physician Assessment and Clinical Education Program ("PACE")
3 offered at the University of California - San Diego School of Medicine ("Program").

4 The Program shall entail a comprehensive, two-day long assessment of
5 Respondent's physical and mental health, basic clinical and communication skills required of
6 any/ all clinician(s), and medical knowledge, skill and judgment specific to Respondent's
7 specialty which is obstetrics and gynecology, and at minimum, a 40- hour program of clinical
8 education in the area(s) of practice in which Respondent was alleged to be deficient, taking into
9 account the assessment, Decision, Accusation, and any other information that the Division or its
10 designee deems relevant. Respondent shall pay all expenses associated with the clinical training
11 program.

12 Based on Respondent's performance and test results, the Program will advise the
13 Division or its designee of its recommendation(s) for the scope and length of any additional
14 educational or clinical training, treatment for any medical or psychological condition(s), or other
15 measures necessary for Respondent's safe and competent practice of medicine. Respondent shall
16 comply with the Program's recommendations.

17 At the completion of any additional educational or clinical training, Respondent
18 shall take an examination. The Program's determination whether Respondent passed the
19 examination and thereby successfully completed the Program shall be binding.

20 Respondent shall complete the Program not later than six months after
21 Respondent's initial enrollment unless the Division or its designee agrees in writing to a later
22 time for completion.

23 Failure to participate in and complete successfully all phases of the clinical
24 training program is a violation of probation.

25 2. SOLO PRACTICE Respondent is prohibited from engaging in the solo
26 practice of medicine during the period of probation.

27 3. NOTIFICATION Respondent shall provide a true copy of the Decision
28 and Accusation to the Chief of Staff or the Chief Executive Officer at every hospital where

1 privileges or membership are extended to Respondent and any other facility where Respondent
2 engages in the practice of medicine, including all physician and locum tenens registries or other
3 similar agencies, and to the Chief Executive Officer of every insurance carrier which provides
4 malpractice insurance coverage to Respondent. Respondent shall submit proof of compliance to
5 the Division or its designee within 15 calendar days.

6 This condition shall apply in the event Respondent acquires privileges at any
7 new/additional hospitals, changes the facility or facilities in which he practices medicine, or
8 changes insurance carriers.

9 4. OBEY ALL LAWS Respondent shall obey all federal, state and local
10 laws, rules governing the practice of medicine in California, and remain in full compliance with
11 any court order(s).

12 5. QUARTERLY DECLARATIONS Respondent shall submit quarterly
13 declarations under penalty of perjury on forms provided by the Division, stating whether there
14 has been compliance with all the conditions of probation. Respondent shall submit quarterly
15 declarations not later than 10 calendar days after the end of each quarter.

16 6. PROBATION UNIT COMPLIANCE Respondent shall comply with the
17 Division's probation unit. Respondent shall, at all times, keep the Division informed of
18 Respondent's business and residence addresses. Changes of such addresses shall be immediately
19 communicated in writing to the Division or its designee. Under no circumstances shall a post
20 office box serve as an address of record, except as allowed by Business and Professions Code
21 section 2021(b).

22 Respondent shall not engage in the practice of medicine in Respondent's place of
23 residence. Respondent shall maintain a current and renewed California physician's and
24 surgeon's certificate at all times during the probationary period.

25 Respondent shall inform the Division, or its designee, in writing, of his intent to
26 travel outside of California which is contemplated to last more than 30 calendar days.

27 7. INTERVIEW WITH THE DIVISION, OR ITS DESIGNEE Respondent
28 shall be available in person for interviews either at Respondent's place of business or at the

1 Division's probation unit office, with the Division's designee, upon request and notice
2 throughout the entire term of probation.

3 8. RESIDING OR PRACTICING OUT-OF-STATE In the event
4 Respondent leaves the State of California to reside or to practice elsewhere, Respondent shall
5 notify the Division or its designee in writing 30 calendar days prior to the dates of his anticipated
6 departure. "Non-practice" is defined as any period of time exceeding 30 calendar days during
7 which Respondent is not engaging in any activities mentioned in Sections 2051 and 2052 of the
8 Business and Professions Code.

9 Time spent in an intensive training program outside the State of California which
10 has been approved by the Division or its designee shall be considered to be time spent in the
11 practice of medicine within the State. A Board-ordered suspension of practice shall not be
12 considered as a period of non-practice. Periods of temporary or permanent residence or practice
13 outside California will not apply to the reduction of the probationary term or count towards its
14 fulfillment. During the period of residence/practice outside California Respondent will not have
15 the responsibility to comply with the probationary terms and conditions with the exception of this
16 condition and the following terms and conditions of probation: Obey All Laws; Probation Unit
17 Compliance; and Cost Recovery.

18 Respondent's license shall be automatically cancelled if Respondent's periods of
19 residence or practice outside California total two years. However, Respondent's license shall
20 not be cancelled as long as Respondent practices medicine in another state of the United States
21 and is on active probation with the medical licensing authority of that state, in which case the two
22 year period shall begin on the date probation is completed or terminated in that state in the event
23 Respondent does not return to California.

24 9. FAILURE TO PRACTICE MEDICINE AS A CALIFORNIA RESIDENT

25 In the event Respondent resides in the State of California but for any reason stops
26 practicing medicine, Respondent shall notify the Division or its designee in writing within 30
27 calendar days prior to the anticipated dates of non-practice and of the anticipated date of his
28 return to practice. Any period of non-practice within California, as defined in this paragraph,

1 will not count towards the fulfillment/reduction of the duration of the probationary term and
2 Respondent remains responsible for compliance with the terms and conditions of probation in
3 spite of non-practice. "Non-practice" is defined as any period exceeding 30 calendar days during
4 which Respondent is not engaging in any activities mentioned in sections 2051 and 2052 of the
5 Business and Professions Code.

6 Time spent in an intensive training program which has been approved by the
7 Division or its designee shall be considered to be time spent in the practice of medicine. For
8 purposes of this condition of probation, non-practice due to a Board-ordered suspension or in
9 furtherance of Respondent's compliance with any other condition of probation, shall not be
10 deemed "non-practice".

11 Respondent's license shall be automatically canceled if Respondent resides in
12 California and for a total of two years without engaging in any of the activities mentioned in
13 Business and Professions Code sections 2051 and 2052.

14 10. COMPLETION OF PROBATION Respondent shall comply with all
15 financial obligations related to his probation and the terms and conditions imposed by the
16 Decision and Order, such as payment of cost recovery and probation costs by no later than 120
17 calendar days prior to the completion of probation. Upon successful completion of probation,
18 Respondent's physician's and surgeon's certificate shall be restored to its status quo ante.

19 11. VIOLATION OF PROBATION Failure to fully comply with any term or
20 condition of probation is a violation of probation. If Respondent violates any probationary term,
21 the Division, after giving Respondent notice and the opportunity to be heard, will revoke
22 probation and carry out the disciplinary order or revocation stayed. If an accusation, a petition to
23 revoke probation, or a petition for an interim suspension order is/are filed against Respondent
24 during the probationary term, the Division will exercise continuing jurisdiction over the matter
25 until it is final, and the period of probation shall be extended until such matter is final.

26 12. COST RECOVERY Within 90 calendar days from the effective date of
27 the Decision or other period agreed to by the Division or its designee, Respondent shall pay the
28 Division the amount of \$9,500.00 (nine-thousand-five-hundred dollars) for costs the Division

1 incurred during its investigation and prosecution. The filing of bankruptcy or "non-practice"
2 shall not relieve Respondent of his obligation to comply with this term and condition of
3 probation.

4 13. LICENSE SURRENDER Following the effective date of the Decision, if
5 Respondent ceases practicing medicine or is otherwise unable to satisfy the terms and conditions
6 of probation, Respondent may request to voluntarily surrender his license. The Division reserves
7 the right to evaluate Respondent's request and to exercise its discretion and not to grant the
8 request, or to take any other action deemed appropriate and reasonable under the circumstances.
9 In the event the Division accepts the surrender, Respondent shall within 15 calendar days deliver
10 his wallet and wall certificates to the Division or its designee and cease practicing medicine.
11 Respondent will then no longer be subject to the terms and conditions of probation. The
12 surrender shall be deemed to be disciplinary action (disciplinary surrender). If Respondent
13 reapplies for a license, his application shall be treated as a petition for reinstatement of a revoked
14 physician's and surgeon's certificate.

15 14. PROBATION MONITORING COSTS Respondent shall pay the costs
16 associated with probation monitoring each and every year of probation, as designated by the
17 Division, adjusted on an annual basis. Payment shall be made to the Medical Board of California
18 before/by January 31st of each calendar year of probation. Failure to pay probation monitoring
19 costs in a timely manner is a violation of probation.

20 ACCEPTANCE

21 I have carefully read the above Stipulated Settlement and Disciplinary Order and
22 have fully discussed it with my attorney, John D. Harwell. I understand the effect it will have on
23 my physician's and surgeon's certificate. I enter into this Stipulated Settlement and Disciplinary
24 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
25 ///
26 ///
27 ///
28 ///


1 of the Division of Medical Quality, Medical Board of California.

2 DATED: March 3, 2005.

3
4 
5 ALTON M. TAKABAYASHI, M.D.
6 Respondent

7 I have discussed with Alton M. Takabayashi, M.D. the terms and conditions of
8 the Stipulated Settlement and Disciplinary Order. I approve its form and content.

9 DATED: March 3, 2005.

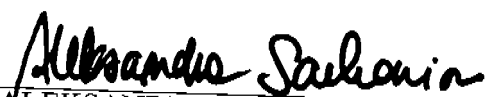
10
11 
12 JOHN D. HARWELL, Attorney At Law
13 Attorney for Respondent, Alton M. Takabayashi, M.D.

14 ENDORSEMENT

15 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
16 submitted for consideration by the Division of Medical Quality of the Medical Board of
17 California.

18 DATED: March 4, 2005.

19
20
21 BILL LOCKYER, Attorney General
22 of the State of California

23 
24 ALEKSANDRA C. SACHOWICZ
25 Deputy Attorney General

26 Attorneys for Complainant

Exhibit "A"

Accusation (Case No.: 05-2002-135828)

1 BILL LOCKYER, Attorney General
of the State of California
2 RICHARD AVILA, State Bar No. 91214
Deputy Attorney General
3 ALEKSANDRA SACHOWICZ,
Deputy Attorney General
4 California Department of Justice
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-7336
6 Facsimile: (213) 897-9395
7 Attorneys for Complainant

8
9 **BEFORE THE**
10 **DIVISION OF MEDICAL QUALITY**
11 **MEDICAL BOARD OF CALIFORNIA**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
13 **STATE OF CALIFORNIA**

14 In the Matter of the Accusation Against:

Case No. 05-2002-135828

15 ALTON M. TAKABAYASHI, M.D.
16 Kaiser - Ob/Gyn Department
5620 Mesmer Avenue
17 Los Angeles, California 90230
18 Physician and Surgeon's Certificate No. G
32122,
19
20 Respondent.

ACCUSATION

21 Complainant alleges:

PARTIES

- 22 1. David T. Thornton ("Complainant") brings this Accusation solely in his
23 official capacity as the Interim Executive Director of the Medical Board of California ("Board").
24 2. On or about July 1, 1976, the Board issued Physician and Surgeon's
25 Certificate Number G 32122 to Alton M. Takabayashi, M.D. ("Respondent"). The Physician and
26 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
27 herein and will expire on June 30, 2005, unless renewed.

JURISDICTION

- 28 3. This Accusation is brought before the Board's Division of Medical Quality
(Division), under the authority of the following laws. All section references are to the Business

1 and Professions Code unless otherwise indicated.

2 4. Section 2004 of the Code states:

3 "The Division of Medical Quality shall have the responsibility for the following:

4 "(a) The enforcement of the disciplinary and criminal provisions of the Medical
5 Practice Act.

6 "(b) The administration and hearing of disciplinary actions.

7 "(c) Carrying out disciplinary actions appropriate to findings made by a medical
8 quality review committee, the division, or an administrative law judge.

9 "(d) Suspending, revoking, or otherwise limiting certificates after the conclusion
10 of disciplinary actions.

11 "(e) Reviewing the quality of medical practice carried out by physician and
12 surgeon certificate holders under the jurisdiction of the board."

13 5. Section 2227 of the Code provides that a licensee who is found guilty
14 under the Medical Practice Act may have his or her license revoked, suspended for a period not
15 to exceed one year, placed on probation and required to pay the costs of probation monitoring, or
16 such other action taken in relation to discipline as the Division deems proper.

17 6. Section 2234 of the Code states:

18 "The Division of Medical Quality shall take action against any licensee who is
19 charged with unprofessional conduct. In addition to other provisions of this article,
20 unprofessional conduct includes, but is not limited to, the following:

21 "(a) Violating or attempting to violate, directly or indirectly, assisting in or
22 abetting the violation of, or conspiring to violate any provision of this chapter [Chapter 5,
23 the Medical Practice Act].

24 "(b) Gross negligence.

25 "(c) Repeated negligent acts. To be repeated, there must be two or more
26 negligent acts or omissions. An initial negligent act or omission followed by a separate
27 and distinct departure from the applicable standard of care shall constitute repeated
28 negligent acts.

1 "(1) An initial negligent diagnosis followed by an act or omission medically
2 appropriate for that negligent diagnosis of the patient shall constitute a single negligent
3 act.

4 "(2) When the standard of care requires a change in the diagnosis, act, or
5 omission that constitutes the negligent act described in paragraph (1), including, but not
6 limited to, a reevaluation of the diagnosis or a change in treatment, and the licensee's
7 conduct departs from the applicable standard of care, each departure constitutes a separate
8 and distinct breach of the standard of care.

9 "(d) Incompetence.

10 "(e) The commission of any act involving dishonesty or corruption which is
11 substantially related to the qualifications, functions, or duties of a physician and surgeon.

12 "(f) Any action or conduct which would have warranted the denial of a
13 certificate."

14 7. Section 14124.12 of the Welfare and Institutions Code states, in pertinent
15 part:

16 "(a) Upon receipt of written notice from the Medical Board of California, the
17 Osteopathic Medical Board of California, or the Board of Dental Examiners of California,
18 that a licensee's license has been placed on probation as a result of a disciplinary action,
19 the department may not reimburse any Medi-Cal claim for the type of surgical service or
20 invasive procedure that gave rise to the probation, including any dental surgery or
21 invasive procedure, that was performed by the licensee on or after the effective date of
22 probation and until the termination of all probationary terms and conditions or until the
23 probationary period has ended, whichever occurs first. This section shall apply except in
24 any case in which the relevant licensing board determines that compelling circumstances
25 warrant the continued reimbursement during the probationary period of any Medi-Cal
26 claim, including any claim for dental services, as so described. In such a case, the
27 department shall continue to reimburse the licensee for all procedures, except for those
28 invasive or surgical procedures for which the licensee was placed on probation."

1 8. Section 125.3 of the Code provides, in pertinent part, that the Division
2 may request the administrative law judge to direct a licensee found to have committed a
3 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
4 investigation and enforcement of the case.

5 FIRST CAUSE FOR DISCIPLINE

6 (Gross Negligence - Margot S.)

7 9. Respondent is subject to disciplinary action under section 2234,
8 subdivision (b) of the Code, in that he engaged in acts and omissions in the care and treatment of
9 a patient constituting gross negligence. The circumstances are as follows:

10 A. On or about February 3, 1998, Margot S., a 43 year-old patient,
11 presented to an emergency room with complaints of abdominal pain and fainting. Her
12 vital signs were temperature of 98.2, blood pressure of 102/74 and pulse of 74.
13 Respondent examined Margot and found light spotting. He ordered a test, which
14 confirmed that Margot was pregnant, and estimated by examination that she was four to
15 six weeks pregnant. No palpable masses were found. Margot's medical history showed a
16 prior ectopic (i.e., misplacement of fetus) pregnancy, with left salpingectomy at 5.5 weeks
17 gestation. Respondent scheduled an ultrasound for dating and prenatal care, but did not
18 order an ultrasound for this date.

19 B. Two days later, on February 5, 1998, Margot returned to the same
20 emergency room, complaining of lower abdominal pain. Her vital signs were blood
21 pressure of 86/46 and pulse of 61. An ultrasound was performed, which revealed an
22 empty uterine cavity and hemoperitoneum (i.e., blood in lining of abdominal cavity), and
23 possible ruptured ectopic. Surgery was performed, revealing left ectopic gestation, and a
24 prior excision of part of the right fallopian tube and ovarian cystectomy, secondary to
25 prior ectopic gestation. Margot underwent a laparoscopy with left salpingectomy and
26 lysis of adhesion, resulting in the loss of a fallopian tube.

27 C. Respondent engaged in an extreme departure from the standard of
28 practice in the care and treatment of Margot S. as follows:

- 1 (1) By failing to obtain an ultrasound reading when Margot
2 presented to him on February 3, 1998, which would have
3 revealed her ectopic pregnancy and allowed her to receive
4 prompt and effective medical care.

5 SECOND CAUSE FOR DISCIPLINE

6 (Repeated Negligent Acts - Margot S., Vilma H., Evangeline Z., Carol W.)

- 7 10. By reason of the facts set forth at above numbered paragraph 9, as well as
8 the circumstances stated below, respondent is subject to disciplinary action under section 2234,
9 subdivision (c) of the Code, in that respondent engaged in acts and omissions in the care and
10 treatment of four patients constituting repeated departures from the standard of practice.

11 **PATIENT MARGOT S:**

- 12 A. The facts, circumstances and opinions stated at above numbered
13 paragraph 9 are incorporated by reference herein as if fully set forth.

14 **PATIENT VILMA H:**

- 15 B. On or about September 16, 1997, Vilma H., a 33 year-old patient,
16 presented to a medical group clinic to check for pregnancy. Her last menstrual period had
17 been on July 10, 1997. She had a history of two abortions and one premature delivery. A
18 test conducted on this date indicated that Vilma was pregnant.

- 19 C. On or about September 23, 1997, Vilma returned to the clinic and
20 was attended by Dr. Takabayashi for the first time. She complained of abdominal pain,
21 nausea, vomiting and dizziness. Her vital signs were a blood pressure of 116/63 and a
22 pulse of 141. Respondent ordered a battery of tests (i.e., CBC, BUN, creatinine, glucose,
23 electrolytes), and noted orthostatic changes. Respondent diagnosed hyperemesis
24 gravidarum (i.e., pregnancy accompanied by excessive vomiting) with dehydration. He
25 did not document a plan of treatment, but did respond with prenatal care and hydration by
26 I.V. The blood work-up revealed a hemoglobin of 9.5 and a hematocrit of 27.7, which is
27 indicative of less-than-normal blood volume. Respondent did not order or document a
28 pelvic ultrasound or perform a standard pelvic examination, which would have revealed

1 an ectopic pregnancy with a fetus heart beat in her left fallopian tube.

2 D. On or about September 25, 1997, Vilma returned to the group
3 clinic. Bleeding from her vagina was noted in her chart.

4 E. Respondent engaged in a departure from the standard of practice in
5 the care and treatment of Patient Vilma H. as follows:

- 6 (1) By failing to evaluate Vilma for ectopic gestation on
7 September 23, 1997.

8 **PATIENT EVANGELINE Z:**

9 F. On or about March 13, 2002, Evangeline Z., a 41 year-old patient,
10 presented to respondent with a complaint of menstrual bleeding since March 4, 2002.
11 Evangeline presented with a history of myomectomy for pedunculated fibroid without
12 complications, dating to May 1999, and use of Depo-Provera, a contraceptive, for seven
13 months thereafter. Respondent performed a pelvic examination, but did not document
14 any bleeding or cervical lesions. He diagnosed a normal examination with menorrhagia,
15 and ordered Provera 10 mg., but did not assess whether she was pregnant or consider
16 alternative methods to control Evangeline's bleeding.

17 G. On or about March 19, 2002, Evangeline returned to respondent's
18 medical office, complaining of continued bleeding and pain. She reported that Motrin
19 and Darvocet were not alleviating the pain. By phone, respondent ordered Provera and
20 Tylenol with Codeine. He also ordered a test, which confirmed that Evangeline was
21 pregnant. She was treated by respondent's nurse on this occasion, who noted the blood
22 spotting and pregnancy test result.

23 H. Respondent engaged in a departure from the standard of practice in
24 the care and treatment of Patient Evangeline Z. as follows:

- 25 (1) By failing to assess her for pregnancy on March 13, 2002,
26 and failing to document his consideration of alternative
27 methods to control Evangeline's bleeding.

28 ///

1 **PATIENT CAROL W:**

2 I. On or about October 18, 2001, Carol W., a 41 year-old patient,
3 presented to respondent for pregnancy assessment. Her pregnancy was confirmed by test,
4 and the possibility of an early termination of pregnancy was discussed. Respondent noted
5 that Carol was Rh negative and had gestational diabetes. Respondent did not have an
6 ultrasound performed on this date.

7 J. On or about April 19, 2002, Carol presented to respondent, who
8 evaluated her for possible spontaneous rupture of the membrane. Respondent did not
9 document pooling or nitrazine. Respondent noted that the cervix was 1 cm., with 20
10 percent effacement minus three, and that the cervix felt soft. On the next day, Carol was
11 admitted to the labor and delivery department where labor was induced. Four days later,
12 on April 24, 2002, Carol's baby was delivered by c-section. A tubal ligation was
13 performed as well.

14 K. Respondent engaged in a departure from the standard of practice in
15 the care and treatment of Carol W. as follows:

- 16 (1) By failing to have an ultrasound performed on Carol W. on
17 October 18, 2001, in order to provide her with information
18 relevant and necessary to her decision to carry the
19 pregnancy to term.

20 **THIRD CAUSE FOR DISCIPLINE**

21 (Incompetence)

22 11. By reason of the facts stated at above numbered paragraphs 9 and 11,
23 respondent is subject to disciplinary action under section 2234, subdivision (d) of the Code, in
24 that respondent demonstrated a lack of medical knowledge, judgment and ability in the care and
25 treatment of four patients.

1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Division of Medical Quality issue a decision:

- 4 1. Revoking or suspending Physician and Surgeon's Certificate Number G
5 32122, issued to Alton M. Takabayashi, M.D.;
- 6 2. Revoking, suspending or denying approval of Alton M. Takabayashi,
7 M.D.'s authority to supervise physician's assistants, pursuant to section 3527 of the Code;
- 8 3. Ordering Alton M. Takabayashi, M.D. to pay the Division of Medical
9 Quality the reasonable costs of the investigation and enforcement of this case, and, if placed on
10 probation, the costs of probation monitoring;
- 11 4. Taking such other and further action as deemed necessary and proper.

12 DATED: June 22, 2004

13
14 

15 DAVID T. THORNTON
16 Interim Executive Director
17 Medical Board of California
18 Department of Consumer Affairs
19 State of California
20 Complainant
21
22
23
24
25
26
27
28